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**CERTIFICATE OF MAILING**

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By: _____

Date: _____

File No. 417/9-1553

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Abdul R. SALMON

Serial No. : 09/923,2227

Examiner: Sharmila S. Gollamudi

Filed : August 6, 2001

Group Art Unit: 1616

For : NASAL PASSAGE CLEANING COMPOSITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION

1. I, Abdul R. Salman, am a medical doctor and the sole inventor of the subject matter in the above referenced application. I make this declaration in support of the patentability of my claimed invention.

2. I have reviewed the Office Action dated March 24, 2003 and the documents cited by the examiner.

3. In reference to my Declaration signed January 6, 2003, paragraph 9, I stated that I conducted a survey of those using my invention, known as "Sinus Magic"™. I confirm that the Sinus Magic product used in the survey contained ingredients in conformance to new claims 10-14 of the application, submitted with this declaration, in proportions in

conformance with these claims, and my referenced to Sinus Magic mean a composition in accordance with the claims.

4. I have studied the Bryce-Smith patent which is believed to be the closest art to my invention.

5. I prepared two formulas based on Bryce-Smith, one having alcohol at 3%, menthol at 0.1% and zinc sulfate at 0.1%, another having 1.0% zinc sulfate, 3% alcohol, 0.1% menthol in normal saline, the 0.1% duplicating Bryce-Smith example 1, and the menthol/ethanol are described as preferred ingredients in Col. 5, L. 38-39.

6. I administered both as nasal sprays to myself.

7. Neither spray opened the nasal passages. Both caused a nasal watery discharge and lacrimation of the eyes. The Bryce-Smith formulas also caused a headache which I attribute to irritation of the mucous membrane and blockage of the sinus orifices, which side effects are described in the Bryce-Smith patent.

8. From these effects, it is proven that the Bryce-Smith formula does not cleanse the nasal passages or open the nose. On the other hand, I have proven through the survey of 100 individuals that applying Sinus Magic to the nasal passages does cleanse the nasal passage and open the nose.

9. I have administered the Sinus Magic product to myself and proven that it does relieve a sinus tension headache, the opposite effect to the Bryce-Smith formulas.

10. Administering the Sinus Magic product does not cause nasal watery discharge or lacrimation of the eyes.

11. This comparison shows that an effective non-steroidal nasal passage cleansing composition requires a particular combination of ingredients, and just picking compounds will not likely produce the desired result

12. I believe it would be considered surprising that the Sinus Magic product is more effective than prescription strength products, while avoiding the side effects of those products. If one could have made this formula so easily, as the examiner suggests, it is doubtful so much money would have been spent developing the various steroidal based products. The reason I developed this product is that the prescription drugs, even if effective, had significant side effects such as increased blood pressure and heart irregularity which necessarily limited their usefulness. I sought a safe, effective yet comfortable composition with no side effects. The fact that products like Afrin continue to be used so broadly shows that those in this art were not able to prepare a successful non-steroidal nasal passage cleaning composition. My study showed that many persons found Sinus Magic which contains a unique combination of safe substitutes to be a successful substitute for Afrin and other nasal steroids, without the side effects.

I, the undersigned further declare that all statements herein of my own knowledge are true and that statements made on information and belief are believed to be true and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dr. Abdul R. Salman

9/2/03
Date